

REMARKS***Summary of the Amendment***

Upon entry of the instant response, claims 1 – 20 will remain pending.

Summary of the Official Action

In the instant Office Action, the Examiner has rejected claims 1 – 20. By the present amendment and remarks, Applicants submit that the rejections have been overcome, and respectfully request reconsideration of the outstanding Office Action and allowance of the present application.

Traversal of Rejection Under 35 U.S.C. § 103(a)

Applicants traverse the Examiner's rejection of claims 1 – 20 under 35 U.S.C. § 103(a) as being unpatentable over ARMSTRONG et al. (U.S. Patent No. 6,279,046) [hereinafter "ARMSTRONG"] in view of MOLLOY (U.S. Patent No. 6,105,147). The Examiner asserts ARMSTRONG shows the features of the instant invention except for use of a receipt message, but that it would have been obvious to modify ARMSTRONG to include use of a receipt message, as taught by MOLLOY. Applicants traverse the Examiner's assertions.

Applicants submit that, as ARMSTRONG cannot be applied against the pending claims, for the reasons set forth below, the instant rejection is improper and must be withdrawn.

Applicants note that ARMSTRONG cannot be applied against the pending claims under 35 U.S.C. § 103(a). Under 35 U.S.C. § 103(c), subject matter developed by another person, which qualifies as prior art only under one of 35 U.S.C. §§ 102(e), (f), or (g) shall not preclude patentability under 35 U.S.C. § 103 where the subject matter

and the claimed invention (filed in the U.S. Patent and Trademark Office after November 29, 1999) were, at the time the invention was made, commonly owned. Applicants note that, as ARMSTRONG was issued August 21, 2001, i.e., after the U.S. filing date of the present application, but was filed May 19, 1999, i.e., before the U.S. filing date of the present application, ARMSTRONG is prior art only under 35 U.S.C. § 102(e). Therefore, if, at the time the instant invention was made, the instant invention and ARMSTRONG were commonly owned, ARMSTRONG cannot be used as a reference against the claimed invention under 35 U.S.C. § 103.

Applicants note the instant application was filed June 6, 2001, i.e., after the effective date of the 35 U.S.C. § 103(c), and that the instant application and ARMSTRONG are both assigned to International Business Machines Corporation. Moreover, Applicants submit that the instant application and ARMSTRONG were commonly owned at the time of the invention of the subject matter of the instant invention.

Because at the time of the instant invention, the instant invention and ARMSTRONG were commonly owned, Applicant submits that ARMSTRONG cannot be used as a reference against the pending claims under 35 U.S.C. § 103(a). Moreover, as ARMSTRONG cannot be applied, the pending rejection of claims 1 – 20 under 35 U.S.C. § 103(a) over ARMSTRONG in view of MOLLOY is improper and must be withdrawn.

Accordingly, Applicants respectfully request withdrawal of the instant rejection and allowance of claims 1 – 20 in the next official communication.

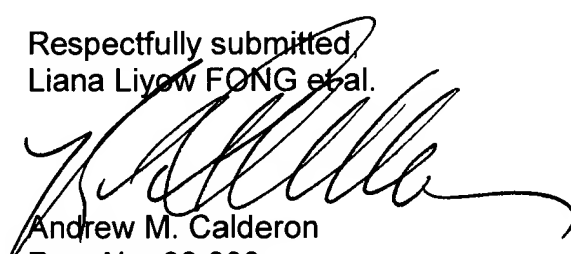
Application is Allowable

Thus, Applicants respectfully submit that each and every pending claim of the present invention meets the requirements for patentability under 35 U.S.C. §§ 102 and 103, and respectfully request the Examiner to indicate allowance of each and every pending claim of the present invention.

CONCLUSION

In view of the foregoing, Applicants submit that all of the claims are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue. The Examiner is invited to contact the undersigned at the telephone number listed below, if needed. Applicant hereby makes a written conditional petition for extension of time, if required. Please change any deficiencies in fees and credit any overpayment of fees to **IBM Deposit Account No. 50-0510 (Yorktown)**.

Respectfully submitted,
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